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ENGROSSED SUBSTITUTE SENATE BILL 5140

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State of Washington

59th Legislature

2005 Regular Session

**By** Senate Committee on Government Operations & Elections (originally sponsored by Senators Berkey, Kastama and Kohl-Welles)

READ FIRST TIME 02/03/05.

1 AN ACT Relating to the disposal of surplus funds of candidates or  
2 political committees; amending RCW 42.17.095; and declaring an  
3 emergency.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 42.17.095 and 1995 c 397 s 31 are each amended to read  
6 as follows:

7 The surplus funds of a candidate, or of a political committee  
8 supporting or opposing a candidate, may only be disposed of in any one  
9 or more of the following ways:

10 (1) Return the surplus to a contributor in an amount not to exceed  
11 that contributor's original contribution;

12 (2) Transfer the surplus to the candidate's personal account as  
13 reimbursement for lost earnings incurred as a result of that  
14 candidate's election campaign. Such lost earnings shall be verifiable  
15 as unpaid salary or, when the candidate is not salaried, as an amount  
16 not to exceed income received by the candidate for services rendered  
17 during an appropriate, corresponding time period. All lost earnings  
18 incurred shall be documented and a record thereof shall be maintained

1 by the candidate or the candidate's political committee. The committee  
2 shall include a copy of such record when its expenditure for such  
3 reimbursement is reported pursuant to RCW 42.17.090;

4 (3) Transfer the surplus without limit to a political party or to  
5 a caucus political committee;

6 (4) Donate the surplus to a public school, school district, or  
7 educational service district, or to a charitable organization  
8 registered in accordance with chapter 19.09 RCW;

9 (5) Transmit the surplus to the state treasurer for deposit in the  
10 general fund, the oral history, state library, and archives account  
11 under RCW 43.07.380, or the legislative international trade account  
12 under RCW 44.04.270, as specified by the candidate or political  
13 committee; or

14 (6) Hold the surplus in the campaign depository or depositories  
15 designated in accordance with RCW 42.17.050 for possible use in a  
16 future election campaign for the same office last sought by the  
17 candidate and report any such disposition in accordance with RCW  
18 42.17.090: PROVIDED, That if the candidate subsequently announces or  
19 publicly files for office, information as appropriate is reported to  
20 the commission in accordance with RCW 42.17.040 through 42.17.090. If  
21 a subsequent office is not sought the surplus held shall be disposed of  
22 in accordance with the requirements of this section.

23 (7) Hold the surplus campaign funds in a separate account for  
24 nonreimbursed public office-related expenses or as provided in this  
25 section, and report any such disposition in accordance with RCW  
26 42.17.090. The separate account required under this subsection shall  
27 not be used for deposits of campaign funds that are not surplus.

28 (8) No candidate or authorized committee may transfer funds to any  
29 other candidate or other political committee.

30 The disposal of surplus funds under this section shall not be  
31 considered a contribution for purposes of this chapter.

32 NEW SECTION. **Sec. 2.** This act is necessary for the immediate  
33 preservation of the public peace, health, or safety, or support of the  
34 state government and its existing public institutions, and takes effect  
35 immediately.

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